



The College will be satisfied that a student's circumstances are beyond the student's control if a situation occurs that a reasonable person would consider is not due to the person's action or inaction, either direct or indirect, and for which the student is not responsible. The situation must be unusual, uncommon or abnormal.

Each application will be examined and determined on its merits by considering a student's claim together with independent supporting documentation substantiating the claim.

Initial applications for the re-crediting of a student's FEE-HELP balance are to be made, in writing, to the VET FEE-HELP Administrator and sent to: P.O. Box 4098 Penrith NSW 2750.

The procedure for the re-crediting of a FEE-HELP balance is as follows:

- (a) when a student withdraws from a VET unit of study, the College shall confirm the withdrawal by giving notice to the student in writing stating the date at which the withdrawal has taken effect;
- (b) when a student fails to meet the requirements of a VET unit of study, the College shall confirm the failure by giving notice to the student in writing of the final result for that unit;
- (c) the student must apply in writing to the VET FEE-HELP Administrator within 12 months from the date specified in the notice as the day of withdrawal or the date of receiving their final results for the VET unit of study. The College may exercise its discretion to waive this requirement if in its opinion it was not possible for the application to be made before the end of the 12 month period;
- (d) The VET FEE-HELP Administrator shall advise the student of the outcome of the application within 28 days stating the reasons for the decision;
- (e) The VET FEE-HELP Administrator shall also advise the student of their rights for a review of the decision if they are not satisfied with its outcome.

The VET FEE-HELP Administrator will consider the application and will agree to such requests if they are satisfied that there were special circumstances in the student's case. If a decision is made to re-credit the student's FEE-HELP balance, the College will notify DEEWR and will repay to the Commonwealth any VET FEE-HELP assistance received on the student's behalf and the student's VET FEE-HELP debt for those VET units of study will be removed.

### **3. Review of a decision**

If a student is not satisfied with the decision made by the VET FEE-HELP Administrator in relation to re-crediting their FEE-HELP balance they may request a review of the decision.

The review shall be carried out by the Review Officer who is the Director of Education and is senior to the original decision maker.

Any such request must be submitted to the Review Officer in writing and:

- (a) must be lodged within 28 days of receiving notice of the original decision, unless the Review Officer allows a longer period;

- (b) must specify the reasons for making the request; and
- (c) sent to: P.O. Box 4098 Penrith NSW 2750.

The Review Officer shall acknowledge receipt of an application for a review of the refusal to re-credit a FEE-HELP balance in writing and inform the applicant that if the Review Officer has not advised the applicant of a decision within 45 days of having received the application for review, the Review Officer is taken to have confirmed the original decision. This notice shall also advise the applicant that they have the right to apply to the Administrative Appeals Tribunal for a review of the decision and will provide the contact details of the closest Administrative Appeals Tribunal Registry and the approximate costs of lodging an appeal.

The Review Officer shall:

- (a) seek all relevant information from the person who made the original decision;
- (b) review the case within 3 weeks and advise the student of the decision in writing giving the reasons for the reviewer's decision.

The Review Officer may:

- (a) confirm the decision;
- (b) vary the decision; or
- (c) set the decision aside and substitute a new decision;

The Review Officer will give written notice of the decision setting out the reasons for the decision. The applicant shall also be advised in the decision of the right to apply to the Administrative Appeals Tribunal for a review of the decision; and be provided with the contact details of the closest Administrative Appeals Tribunal Registry and the approximate costs of lodging an appeal.

Where a student is unsatisfied with the reviewed decision they may apply to the Administrative Appeals Tribunal for consideration of the College's decision to refuse to re-credit their FEE-HELP balance. The student may supply additional information to the Administrative Appeals Tribunal which they did not previously supply to the College either in the original application or the request for review.

The approximate cost for lodging an appeal with the Administrative Appeals Tribunal (AAT) is \$682.00. The AAT can be contacted on (02) 9391 2400 or 1300 366700 and the nearest office is located at:

Level 7, City Centre Tower  
55 Market Street,  
Sydney NSW 2000

#### **4. Publication**

These *Student Review Procedures for Re-crediting a FEE-HELP Balance* will be published in the Student Handbook and on the College's website ([www.benchmark.edu.au](http://www.benchmark.edu.au)).